IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8157 OF 2004

Shri Shabbir Khajumiya Rangari. Petitioner

Vs.

Smt.Sonabai Vitthalrao Mirajkar
& Anr. Respondents

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Shri T.D.Deshmukh for the petitioner.

None present for the respondents.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 4th OCTOBER, 2004.

P.C.

1. Heard the learned advocate for the petitioner. The petitioner challenges the impugned order rejecting the application for raising preliminary issue as to the jurisdiction in terms of the provisions of law comprised under Section 9A of the Code of Civil Procedure, 1908. The court below has rejected the application on the ground that there was no application filed by the petitioner for any interim relief in the matter and that therefore there was no

occasion for invoking the power under Section 9A of the Code of Civil Procedure. There is neither any illegality nor improper exercise of jurisdiction by the Court in arriving at the said finding and the same is clearly justifiable in accordance with the provisions of law comprised under Section 9A of the Code of Civil Procedure, and therefore, there is no case for interference in the impugned order. Needless to say that in view of the application filed under Section 9A of the Code of Civil Procedure, the issue in relation to the jurisdiction of the Court to deal with the matter does not stand concluded, and the parties are entitled to raise in that regard in the trial Court.

2. With the above observations, the petition is rejected with no order as to costs.